IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 612 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JETPUR MUNICIPALITY - Petitioner(s)
Versus
MAJIDBHAI VALIBHAI MAKWANA - Respondent(s)

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Appearance :
MR RR TRIVEDI for Petitioner
MRS DT SHAH for Respondent

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 19/01/2006

ORAL JUDGMENT

1. This petition is directed against the award dated 19.8.2000 passed by the Labour Court, Rajkot,

in Reference (LCR) No.1258 of 1987 whereby the petitioner was directed to reinstate the respondent on his original post without back wages.

2. The short facts of the case are that the respondent was working with the petitioner. The respondent raised a dispute stating that he was working with the Municipality for 10 years and the petitioner has terminated his services without issuing notice pay or retrenchment compensation. The said dispute was referred to Labour Court, Rajkot, which passed the aforesaid award.

3. Learned counsel for the petitioner submitted that the service of the respondent was terminated strictly on seniority basis and he was offered retrenchment compensation which was refused. He submitted that the petitioner has not followed the proper procedure and therefore the Labour Court ought not to have passed the impugned award.

4. Ms D.T. Shah appearing for the respondent submitted that the Labour Court has considered all

the facts and circumstances of the case and therefore no interference may be caused in this petition.

5. In pursuance of the order of this Court, vide order dated 31.7.2003 the respondent workman has been reinstated in service. It is stated that the respondent has already attained the age of superannuation on 5th April 2005.

6. As a result of hearing and perusal of the record it is found that the Labour Court has recorded a clear finding that before terminating the services of the respondent the petitioner has not followed the provisions of law and the only reason shown is with regard to the financial difficulties. Even it was also not established that the service of the respondent was terminated on seniority basis. It was also found that no reason is assigned for terminating the services of the respondent. Therefore, I am of the view that the Labour Court has rightly passed the award in question.

7. In the premises aforesaid no case is made out to

interfere with the award in question and therefore this petition is rejected. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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